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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,940	03/28/2001	Leana Golubchik	T2315-907180	9623

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EXAMINER

DAVIS, ZACHARY A

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 12/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/818,940	Applicant(s) GOLUBCHIK ET AL.	
	Examiner Zachary A Davis	Art Unit 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 314 (see page 16 of applicant's specification).
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 309 (see Figure 4).
3. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities: The specification appears to contain minor errors. For example, on page 7, in lines 14 and 16, it appears “send” is intended to read “sends”; on page 8, at line 18, it appears that “The method of further includes” is intended to read “The method further includes”; on page 15, line 19, it appears that “sends” is intended to read “send”, and on page 15, line 20, it appears that “understand” is intended to read “understood”. Appropriate correction is required. Applicant’s cooperation is requested in correcting any other errors of which applicant may become aware in the specification.

Claim Objections

5. Claims 5, 7, 9, 11, 14, 19, 25, and 31 are objected to because of the following informalities:

The use of the pronouns “it” and “they” in Claims 5, 11, 14, and 31 is generally informal. It is clear that in Claim 5, “it” refers to “the common destination server”; in Claim 11, “it” refers to “each upload proxy server”; in Claim 14, “they” refers to “the unique identifiers”; and in Claim 31, “it” refers to “the common destination server”. However, the pronouns should be replaced with their proper antecedents.

In Claims 7, 9, 19, and 25, the use of “sending” in line 5 of each claim is generally informal, and should be replaced by “have sent” or similar.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 4-7, 11-12, 15-20, and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation "indicating that it is holding data for it" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim, as it is unclear to what each "it" is referring, and whether the two pronouns have the same antecedent. For purposes of applying the prior art, it is assumed that the first "it" refers to "each upload proxy server" and the second "it" refers to "the common destination server", i.e. "indicating that each upload proxy server is holding data for the common destination server".

Similarly, Claim 15 recites the limitation "indicating that it is holding data for it" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim, as explained above, and it is similarly assumed that the limitation is intended to read "indicating that each upload proxy server is holding data for the common destination server" or similar.

Claims 5-7, 11, 12, and 16-20 are rejected due to their dependence on a rejected base claim.

Claim 28 recites the limitations "the unique identifiers" in line 2, "the authenticator" in line 2, "the step of separately sending" in lines 2-3, and "the corresponding time-stamp" in lines 4-5. There is insufficient antecedent basis for these limitations in the claim.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Faris et al, US Patent 6659861.

In reference to Claims 1 and 2, Faris discloses a method that includes generating, using a one-way hash function, a unique identifier corresponding to data that a client intends to send to a common destination server (column 24, lines 4-12); transmitting the identifier to an authenticator (column 36, lines 54-55); time-stamping the identifier; and digitally signing the time-stamped identifier (column 36, lines 55-58).

Faris further discloses each client sending data toward the destination server (column 37, lines 4-10) and using the identifier to confirm that the data has not been altered since being time-stamped (column 39, lines 11-19).

In reference to Claim 3, Faris further discloses sending data to an upload proxy server (Figure 2, Game Servers 150; column 36, lines 59-61).

In reference to Claims 4 and 5, Faris further discloses the proxy servers sending a message to the destination server indicating that data is being held for the destination server and the destination server pulling the data held (column 36, line 62-column 37, line 10).

In reference to Claims 6, 8, and 10, Faris further discloses establishing an authenticator for anticipated large amounts of data and supplying criteria for receiving data to the authenticator, including an encryption level (column 30, lines 15-52).

In reference to Claims 7 and 9, Faris further discloses an event identifier (column 31, lines 6-27).

In reference to Claim 11, Faris further discloses each proxy server acknowledging receipt of data (column 36, lines 62-65).

In reference to Claim 12, Faris further discloses a message designating a proxy server for use by the client (column 30, lines 33-38).

In reference to Claim 13 and 14, Faris discloses a method that includes generating, using a one-way hash function, a unique identifier corresponding to data that a client intends to send to a common destination server (column 24, lines 4-12);

transmitting the identifier to an authenticator (column 36, lines 54-55); and digitally signing the identifier (column 36, lines 55-58). Faris further discloses each client forwarding data to the destination server through a proxy server (column 37, lines 4-10) and using the identifier to confirm that the data has not been altered since the identifier was generated (column 39, lines 11-19).

In reference to Claims 15 and 16, Faris further discloses the proxy servers sending a message to the destination server indicating that data is being held for the destination server and the destination server pulling the data held (column 36, line 62-column 37, line 10).

In reference to Claims 17 and 21, Faris further discloses time-stamping the identifier (column 36, lines 55-58) and confirming that the data has not been altered since being time-stamped (column 39, lines 11-19).

In reference to Claims 18, 20, and 22, Faris further discloses establishing an authenticator for anticipated large amounts of data and supplying criteria for receiving data to the authenticator, including an encryption level (column 30, lines 15-52).

In reference to Claims 19 and 21, Faris further discloses an event identifier (column 31, lines 6-27).

In reference to Claim 23, Faris discloses a method including providing a common destination server (Figure 2, Primary Server 100) and a plurality of upload proxy servers (Figure 2, Game Servers 150); each client sending data intended for the destination server to one of the proxy servers (column 37, lines 4-10); sending a message smaller

than the data of the client to the destination server; and pulling the data held at the proxy server to the destination server (column 36, line 54-column 37, line 10).

In reference to Claims 24 and 26, Faris further discloses establishing an authenticator for anticipated large amounts of data and supplying criteria for receiving data to the authenticator, including an encryption level (column 30, lines 15-52).

In reference to Claim 25, Faris further discloses an event identifier (column 31, lines 6-27).

In reference to Claim 27, Faris further discloses generating a unique identifier corresponding to data that a client intends to send to a common destination server (column 24, lines 4-12), transmitting the identifier to an authenticator (column 36, lines 54-55), and digitally signing the identifier (column 36, lines 55-58). Faris also discloses using the identifier to confirm that the data has not been altered since the identifier was generated (column 39, lines 11-19).

In reference to Claim 28, Faris further discloses time-stamping the identifier (column 36, lines 55-58) and confirming that the data has not been altered since being time-stamped (column 39, lines 11-19).

In reference to Claim 29, Faris discloses a system including a common destination server (Figure 2, Primary Server 100), an id generator to generate a unique identifier (column 24, lines 4-12), a sender in each client for transmitting the unique identifier (column 36, lines 54-55), and an authenticator for time-stamping and digitally signing the unique identifier (column 36, lines 55-58). Faris further discloses that the

server uses the identifier to confirm that the data has not been altered since being time-stamped (column 39, lines 11-19).

In reference to Claims 30 and 31, Faris further discloses sending data toward the destination server through a proxy server and the destination server pulls the data from the proxy server (column 36, line 62-column 37, line 10).

In reference to Claim 32, Faris further discloses that the id generator takes a one-way hash (column 24, lines 4-12).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Boyle et al, US Patent 6138158, disclose a method for sending upgrades by sending a short notification message to alert a user to the presence of an upgrade to be downloaded, and in which the user then later downloads the full upgrade, in order to decrease unnecessary network traffic.

b. Levine, US Patent 6393566, discloses a system for time stamping and digitally signing a document to allow for non-repudiation and authentication of the document.

c. Serbinis et al, US Patent 6584466, disclose a document management system that includes a notarization feature including time stamping, hashing, and digitally signing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachary A Davis whose telephone number is (571) 272-3870. The examiner can normally be reached on weekdays 8:30-6:00, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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